

I am hopeful and confident Judge Gonzales will continue that legacy in his new position. He is a man of great integrity. I encourage all my colleagues to entrust him with the honor and responsibility of being our next Attorney General.

I also take a few moments to formally thank Attorney General John Ashcroft for his tremendous service the past 4 years. I have a personal relationship with the Ashcroft family and understand what he went through in the last 4 years. He has done his job with great dedication and integrity. He is a man who put the right people in the right places at the right time.

He has served us well. He reorganized the Department of Justice with new directives, new directors. I thank him. His friendship, his service to the country, should not go unnoticed and unappreciated. He has done a tremendous job in very stressful times. I venture to say for an Attorney General, no time has been more stressful than the time John Ashcroft has hung his hat as Attorney General downtown.

We welcome the nominee. We have the highest hopes for him. We wish him not only good luck but good hunting. We also thank the outgoing Attorney General.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 a.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 8, which the clerk will report.

The assistant legislative clerk read the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are proceeding at the moment to the nomination of White House Counsel Alberto Gonzales to be Attorney General of the United States of America. He had served as a judge on the Supreme Court of Texas and has been commonly referred to as Judge Gonzales, which I shall do during the course of my presentation.

Judge Gonzales, 49, comes to this nomination to be the chief law enforcement officer of the United States with an extraordinary record.

He was one of eight children, sharing a two-room living quarters with their parents. They had no hot water, no telephone. He pursued an academic career, first at the military academy; then at Rice University, where he graduated; and then at the Harvard Law School.

He went into the private practice of law and then was asked by then-Governor George Bush to work with him in the Governor's office.

Judge Gonzales then, as noted, was a justice of the Supreme Court of Texas. With the election of Governor Bush to the White House, Judge Gonzales has been White House Counsel for the last 4 years.

It is not irrelevant to note that Judge Gonzales would be the first Hispanic to be Attorney General of the United States. That is quite a dramatic rise in the legal community.

When I was elected district attorney of Philadelphia some time ago, in 1965, there was not a single Hispanic lawyer in Philadelphia. At that time, I made an effort of outreach to bring minority representation into the district attorney's office as assistants and could not find a single Hispanic. So there has been a great deal of progress. Now there are Hispanic Federal judges in Philadelphia, State court judges, city solicitors, prominent attorneys, but Judge Gonzales would be the first Hispanic to be Attorney General of the United States, if confirmed.

He will bring, I think, a unique perspective because of his minority status. I think he would have a broader view, a different view on civil rights. We have an issue which is subject to some congressional oversight where some 762 alien detainees were rounded up after 9/11, and according to a report by the Inspector General of the Department of Defense, there was never any showing of connection to terrorism or to al-Qaida or to any reason for their detention.

While we know we live in a very dangerous world, there has to be some reason—it may not be as strong as probable cause for an arrest, or probable cause for search and seizure, or even sufficiency for stop and frisk—but there has to be a reason for detention. That is something of which I think Judge Gonzales might have some greater perspective.

Judge Gonzales, I think, also would be expected to have a broader view on the immigration laws, being Hispanic, being from Texas, seeing the kinds of problems which are present both from the point of view of stopping illegal immigrants and also from the point of view of immigrants who come to this country who seek a better way of life.

Similarly, I think he might have some greater insights into voting rights. He took a position broadly viewed as divergent from the administration on affirmative action in the controversial cases involving the University of Michigan. Affirmative action, always a complicated, controversial subject, but one where differing views and a broader perspective is a

quality that would be well served in the Attorney General of the United States.

He also took a broader view on the issue of what was required on parental notification under the Texas statute, drawing opposition from some on the so-called right of the party. There again, a little different view and a little broader view reflective of his background and his own attitudes.

A great deal of the hearing process on Judge Gonzales has been involved on the issue of compliance with the Geneva Convention, on compliance with the statutes of the United States which prohibit torture. A great deal has been made of a statement made by Judge Gonzales with respect to the Geneva Conventions. He has been broadly quoted on a statement that some of the Geneva Convention's limitations are obsolete or quaint. In an opinion which he circulated, he said this:

In my judgment, this new paradigm—

referring to what has happened after 9/11—

renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

That part of the statement is the one always quoted, and the comment on "quaint" and the comment on "obsolete" have drawn a lot of criticism. But almost nowhere has there been a followup on what he was referring to. But what he said, continuing:

... renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip—i.e., advances of monthly pay—athletic uniforms and scientific instruments.

Well, when you see the reference here to "items like commissary privileges," I don't know that that would be exactly something to be concerned about on a prisoner, or scrip or advances of monthly pay or athletic uniforms or scientific instruments. So in that context, to say it is "quaint" or "obsolete" is not to challenge the underlying provisions of the Geneva Convention on its important substantive provisions.

In Judge Gonzales's statements and testimony before the Judiciary Committee, he has been very emphatic about his personal opposition to torture and about the opposition of the administration to torture. He has been emphatic on his opposition to transporting detainees to other countries which permit torture to enable detainees to be tortured in other countries where they could not be under the auspices of the United States. He has been explicit in articulating the view that the CIA is bound by the same rules prohibiting torture as anyone else.

He has come under considerable criticism for the so-called Bybee memorandum which was issued in August of 2002, signed by Jay Bybee, then Assistant Attorney General of the United States, where the memorandum was requested so that there would be a full